IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In re: RAQUEL LEGASPI SIPPLE

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Case No.: 24-41282-can-13

</div>

Debtor

MOTION TO DENY CONFIRMATION OF PLAN

COMES NOW Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the proposed plan (document #28), filed on or about December 20, 2024. In support thereof, the trustee states that the issues related to the proposed plan include:

1. 11 U.S.C. Section 1322(d):

   The plan as proposed runs 98 months based on currently available information.

2. 11 U.S.C. Section 1325(a)(4):

   It appears there is individual non-exempt equity of $5,626.06. The equity comes from jewelry ($1,000), bank accounts ($502), 2023 tax refunds ($1,904) and recoverable preference ($2,220.06). The proposed plan will pay less to the non-priority unsecured creditors than if the estate were liquidated under Chapter 7.

3. 11 U.S.C. Section 1325(a)(4) - Tenancy by the Entirety Issues:

   It appears that there is non-exempt equity in property held under tenancy by the entireties that is being shielded from individual creditors. The debtor has scheduled debt with governmental entities that have not yet filed claims. Until the governmental bar date passes and the trustee can review the claims as filed, it is unclear whether the debtor is proposing a plan that will pay less to the unsecured creditors than if the estate were liquidated under Chapter 7.

4. 11 U.S.C. Section 1325(b):

   The debtor deducts business or rental expenses on Form 122C-1. Per In re Wano, 08-42611-jwv-13 (an unpublished opinion) and In re Wiegand, 386 B.R. 238 (B.A.P. 9th Cir. 2008), business may not be deducted before determining a debtor's applicable commitment period. It appears that the debtor has above median income with the business removed from Form 122C-1. The trustee requests that Form 122C-1 be amended and that Form 122C-2 be completed to calculate projected disposable income pursuant to 11 U.S.C. §1325(b). It is the trustee's position that business may be listed on Line 43 of Form 122C-2.

5. Insufficient Information in Plan:

Service Finance was scheduled as a non-priority unsecured creditor but has filed a secured claim. The plan does not address treatment of the secured claim.

WHEREFORE, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

January 03, 2025

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee
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NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at http://ecf.mowb.uscourts.gov. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order denying confirmation of the plan.** For information about electronic filing, go to http://www.mow.uscourts.gov. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail. If any party is served by United States First Class Mail a certificate of service will be filed thereafter:

DEBTOR(S)
WAGONER BANKRUPTCY GROUP (206) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

LB   /Motion - Deny Confirmation